

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BUILDING CODE APPEALS BOARD DOCKET NO. 11-988

Fitchburg State University,)
Appellant)
)
v.)
)
Commonwealth of Massachusetts,)
Department of Public Safety,)
Appellee)

BOARD'S DECISION ON APPEAL

Introduction

This matter came before the State Building Code Appeals Board ("Board") on Appellant's appeal application filed pursuant to G.L. c.143, §100 and 780 CMR 122.1 ("Application"). Appellant requested the Board grant a variance from 780 CMR 708.2 (8th Edition) to allow for a compliance alternative with respect to a floor opening located in the Hammond Building at Fitchburg State University.

Procedural History

The Board convened a public hearing on April 19, 2011, in accordance with G.L.c. 30A, §§10 & 11; G.L.c. 143, §100; 801 CMR 1.02; and 780 CMR 122.3. All interested parties were provided with an opportunity to testify and present evidence to the Board. The District State Building Inspector, for the Department of Public Safety District in which the University is located, issued a letter, dated March 18, 2011. The letter stated that he would "deny any building permit application that used code compliance alternative proposed for 8th Edition – Section 780 Section 780.2 Shaft Enclosures (Atrium) since the building is not fully sprinkled and the enclosure will open onto a non-sprinkled floor (exception 7.5)."

Discussion

The renovation to the Hammond Building will involve improvements to the entry way. The Building has a three-story opening, thus it is considered as an atrium which requires a mechanical smoke control system. Because the renovation will include providing a fire resistance rated separation at the top floor level, the University requested a variance to all the floor opening to be considered similar to a floor opening under 780 CMR 708.2, Exception 7, which limits the floor opening to two stories, or, in effect, a two-story atrium that does not require a smoke control system.

The State Building Inspector was not opposed to granting the variance to allow the compliance alternative.

Conclusion

The Board made a motion to grant a variance from 780 CMR 708.2 (8th Edition) on the conditions that: the building's stairs will be enclosed above the second floor; sprinklers will be installed within two (2) years in the entire building. The motion was approved unanimously.



Ralph Cirelli

Douglas A. Semple, Chair

Alexander MacLeod

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to Superior Court in accordance with G.L. c.30A, §14 within 30 days of receipt of this decision.

DATED: April 27, 2011